

WAIVING CERTAIN PROVISIONS OF SECTION 212 (A) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF THREE ALIENS

MARCH 20, 1956.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the
following

R E P O R T

[To accompany S. 83]

The Committee on the Judiciary to whom was referred the bill (S. 83) for the relief of Otilie Hitzlberger Lachelt, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Otilie Hitzlberger Lachelt and Maria Michela Federico may be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act.

SEC. 2. Notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Dorin Ursulesku Baron may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act, and the said Dorin Ursulesku Baron shall be classified as a nonquota alien under the provision of section 101 (a) (27) (B) of the Immigration and Nationality Act.

SEC. 3. The exemptions provided for in this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Amend the title so as to read: "To waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of three aliens."

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act, concerning the inadmissibility of aliens who have committed crimes involving moral turpitude, in behalf of three aliens. In one of those cases the bill also waives the provision of section 212 (a) (19) of the said act, concerning aliens who are inadmissible because they have endeavored to enter the United States by withholding material facts, and further provides that the beneficiary shall be considered to be a returning resident alien.

The committee, desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of private calendars on the floor of the House, has decided to include the names of several beneficiaries of pending private bills in one bill, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

The purpose of the amendment is to include the beneficiaries of two similar bills, as follows:

S. 133, by Senator Dirksen.

S. 1493, by Senator McNamara.

As passed by the Senate the bill S. 1493 was designed to grant permanent residence to Dorin Ursulesku Baron, and has been included in this bill, as amended, which provides for his readmission as a returning resident alien and also waives the provisions of section 212 (a) (9) and (19) in his behalf. That action was taken in view of the fact that the committee has been advised that the beneficiary has departed from the United States.

GENERAL INFORMATION

A discussion of each case included in the instant bill, with reports from the departments of the administration, and such additional information as was obtained by the committee, appears below.

Ottilie Hitzlberger Lachelt—S. 83, by Senator Humphrey

The beneficiary of the bill is a 28-year-old native and citizen of Germany who married a United States citizen member of our Armed Forces on July 6, 1954, in Canada and they are presently residing in Winnipeg. The beneficiary has been refused a visa to enter the United States because she was convicted in Germany on three occasions for crimes. She was reared in an orphanage and at the age of 14 was turned out to earn her own living. After working on a farm, she obtained a position as a waitress for the American Forces. When the number of German employees was reduced, she was released and was arrested for vagrancy in 1946 after the police withdrew permission for her to live in that particular city. Again in 1946, she and a girl friend stole a briefcase which they thought contained food. When they found it contained only papers and books, the beneficiary voluntarily turned herself over to the police. In 1947 she inveigled a German to give her a certificate of employment so she could get a ration card, for which she was arrested, being charged with forgery.

The beneficiary's husband is employed by the Television Electronics Institute in Winnipeg, Canada. He desires to return to the United States to attend the University of Minnesota. Without the waiver provided for in the bill, the beneficiary will be unable to enter the United States with her citizen husband to make their home.

A letter, with attached memorandum, dated November 1, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 1, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 83) for the relief of Otilie Hitzlberger Lachelt, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill also provides that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE OTILIE HITZLBERGER
LACHELT, BENEFICIARY OF S. 83

Otilie Hitzlberger Lachelt, a native and citizen of Germany, was born on September 13, 1927. She was married to Duane Roger Lachelt on July 6, 1954, and resides with him at 549 Sherburn Street, Winnipeg, Manitoba, Canada.

The beneficiary is employed as a stenographer at a salary of \$1,500 per year. Her mother is deceased and her father resides in a home for the aged in Germany. She has no close relatives in the United States.

The beneficiary has never been in the United States. She has resided in Canada since May 1954. She has furnished information that she was denied an immigrant visa by the American consul in Munich, Germany, because of convictions in Germany in 1946 and 1947 for vagrancy, larceny, and forgery. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish additional information concerning the beneficiary's arrests.

The beneficiary's husband, Duane Roger Lachelt, a citizen of the United States, served honorably in the United States Air Force from January 6, 1951, to January 5, 1955, when he transferred to the Air Force Reserve. He is presently employed as an adviser by the Television Electronics Institute in Winnipeg, Manitoba, Canada, at a salary of \$250 per month. Mr. Lachelt has stated that he is residing in Canada only to be with his wife and desires to return to the United States as soon as possible to attend the University of Minnesota.

A letter dated November 2, 1954, to Senator Hubert H. Humphrey from the United States consul general at Winnipeg, Canada, reads as follows:

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
UNITED STATES CONSULATE GENERAL,
Winnipeg, Manitoba, Canada, November 2, 1954.

Hon. HUBERT H. HUMPHREY,
*United States Senate,
Washington, D. C.*

MY DEAR SENATOR HUMPHREY: I refer to the consulate general's letter of October 13 concerning the immigrant visa case of Mrs. Ottilie Lachelt nee Hitzlberger, a resident of Winnipeg, Canada, who is the wife of S. Sgt. Duane R. Lachelt, a member of the United States Armed Forces.

Mrs. Lachelt's file which has now been received from the consulate general at Munich reveals that she was convicted on three occasions when she was residing in Germany. On March 1, 1946, she was sentenced to 1 week and 3 weeks custody for offense against the German registration law in conjunction with an offense of vagrancy (violation of par. 316/3, 77 of the German Penal Code.) On May 9, 1946, she was sentenced to 6 weeks imprisonment for larceny (violation of par. 242 of the German Penal Code.) On November 5, 1947, she was sentenced to 20 days imprisonment for forgery in conjunction with an offense against the German war rationing law (violation of par. 267 and 73 of the German Penal Code, and par. 2/1, art. 2 of the penal regulations of the German war rationing law). Under the circumstances and since the convictions of May 9, 1946, and November 5, 1947, were for crimes involving moral turpitude, the consulate general at Munich refused Mrs. Lachelt a visa on October 15, 1953, under the provisions of section 212 (a) (9) of the Immigration and Nationality Act.

As you are aware, section 4 of Public Law 770, 83d Congress permits the issuance of a visa to an alien who is otherwise admissible who is excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of section 1 (3) of title 18, United States Code, provided that the alien has committed only one such offense. Since Mrs. Lachelt has been convicted of two such offenses, the consulate general has no alternative but to again refuse Mrs. Lachelt a visa to enter the United States.

Permit me to assure you that Mrs. Lachelt's case has received every consideration consistent with the immigration law and visa regulations.

Sincerely yours,

KNOWLTON V. HICKS,
United States Consul General.

Senator Hubert H. Humphrey, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
Washington, D. C., May 21, 1955.

Re S. 83, Otilie Hitzlberger Lachelt

Hon. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR KILGORE: In support of my bill for the relief of Mrs. Otilie Hitzlberger Lachelt, I am enclosing letters and information that I am hopeful will be of assistance to the committee in arriving at a favorable decision.

Mrs. Lachelt is the wife of a United States citizen, recently honorably discharged from the United States Air Force. She has been excluded from admission into the United States because of a record of more than one conviction of violations of the German Penal Code. Each of the offenses was of a minor nature, and committed under what I earnestly believe were extenuating circumstances caused by the pressures and uncertainties of mere existence during the war.

Since that time Mrs. Lachelt has been employed by the United States Government occupation forces in a responsible category, establishing a record of honesty and dependability attested to by the enclosed letters of recommendation from the Air Force officers under whose supervision she worked.

I urge the committee's favorable consideration of this bill to waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act as it affects the admissibility of Mrs. Lachelt.

Sincerely yours,

HUBERT H. HUMPHREY.

P. S.—I note from my file of correspondence that the originals of the Air Force officers' letters of recommendation were returned to Mr. Lachelt after copies had been made for my use. If the originals are desired by the committee, kindly let me know and I will endeavor to obtain return of the originals.

HEADQUARTERS, 7485TH SUPPLY GROUP,
OFFICE OF THE STOCK CONTROL OFFICER,
APO 207, UNITED STATES AIR FORCE,
Erding, Germany, May 14, 1954.

Re Miss Otilie Hitzlberger, Requirements and Distribution Branch,
Stock Control Division, 7485th Supply Group, APO 207, United States Air Force.

This is to certify that Miss Otilie Hitzlberger has been assigned as unit supervisor of the requisition unit, Requirements and Distribution Branch, Stock Control Division, Erding Air Depot, for a period of 6

months. During this period of time, Miss Otilie Hitzlberger has demonstrated her ability to carry out assigned duties better than that normally required. The work performance was recognizable and her efficiency was at all times above the average. She is willing to accept responsibility and her attitude toward the fellow workers was courteous and attentive.

I would like to recommend Miss Otilie Hitzlberger for any similar job in the supply field.

R. R. VIOLETTE,
DAF Civilian,
Chief, Requirements and Distribution Branch.

MOUNTAIN HOME AIR FORCE BASE,
September 27, 1954.

DEAR SIR: I am S. Sgt Duane R. Lachelt, United States Air Force. My parents home and my permanent address is at 3346 Chicago Ave., Minneapolis, Minn. I am at present stationed at Mountain Home Air Force Base, Idaho. I am writing to you as a last alternative as I have been advised to do everywhere I have tried to get help.

On July 6, 1954, I married a German alien residing in Winnipeg, Canada. We submitted all the necessary paperwork for a visa but it was refused on the grounds of acts of moral turpitude committed in the years 1946 and 1947 in Germany.

I cannot get the records of these offenses with dates and places but can give you a general description of them. You no doubt can get the exact dates and places from the consulate at Winnipeg, Canada.

Her maiden name is Otilie Hitzlberger. Born September 13, 1927, in Hagenheim, Germany. She was raised in a Catholic orphanage to the age of 15 and then released to make her own way in life.

In 1946 when employment was almost impossible to find, she and another girl were at a Catholic camp and hadn't eaten for some time. They took a briefcase supposedly containing food only to find it held nothing but books and papers. My wife went back to the police and turned herself in. She was arrested and put in jail.

Later on when everything was rationed and you had to be employed to hold a ration card, she was arrested again for having possession of a ration card while unemployed. She couldn't afford to eat in a restaurant and had paid someone who was authorized to stamp a ration card, fix it for her. She was convicted of forgery and put in jail for 17 days.

I don't believe the third offense would bar her entry to the United States, but will tell you about it anyway.

While waiting for promised employment at the Red Cross, she was arrested for being in a town more than 24 hours without a job. Being an orphan she had no place to go as every town had the same law.

Since then she has been in no trouble whatsoever. She worked on an American airbase at Erding, Germany, for 3½ years. While employed there she worked her way up to a supervisory category and received character references and recommendations from Colonel Miller, two majors and other people for whom she worked.

I believe she has proven herself very reliable and trustworthy. Under the circumstances of her case I do not believe that she should be

classed as a criminal and consequently refused entry to the United States.

Could these offenses be classified as misdemeanors and she be permitted entry that way?

I have heard of other similar cases where special bills have been passed in order for a person to come to the United States.

I would appreciate any help you can give us as I wish to make the Air Force my career but can hardly do so without my wife.

If anything can be done, would you let me know what documents and papers I have to get.

Will enclose my birth certificate and marriage certificate.

Sincerely yours,

DUANE R. LACHELT.

WINNIPEG, MANITOBA.

To Whom It May Concern:

I, Ottilie Lachelt, nee Hitzlberger, born September 13, 1927, at Hagenheim, Germany. My mother died in 1929 when I was only 1½ years of age, therefore my father put me in an orphanage as he was an invalid.

With 14 years of age I was released from the orphanage and was on my own. I worked at the farm from 1942 to 1945. After the Americans took over Germany in 1945 I was offered a job in fall to work for the American forces as waitress, which I accepted as it meant higher wages for me.

The law stand at this time you had to have special permission to move to another city in which you were not born in. I received the permission to stay at Memmingen as long as I was working for the American forces though after I quit the job I was supposed to leave the city within 48 hours.

I worked for the 71st Infantry as a waitress. When after about 6 months they had to cut down on German employees, so I was released. As I had no home and no place to go I moved to a family whom I got acquainted with while living in the city. I was promised another job at the American Red Cross snack bar for a later date, when one day while applying for my job I was checked by the German police for my identification card which showed I was not a permanent resident in the city. The police took me in for questioning where they arrested me for 3 weeks for loitering.

After 3 weeks I was released, still though without a home to go to. While eating dinner at the restaurant I got acquainted with a girl. She told me she has friends at Stuttgart and I could stay with them till I find a job, so I went with her.

After we got there she told me she was only kidding about her friends, and she was alone too, as her home was the Russian Zone.

A few days after we left to Schwaebisch Gmuend where someone told us we could find a job there. Arrived at Schwaebisch Gmuend we found a place to stay at a Catholic Home, where we shared a room with about 12 other people. During the afternoon I helped the nurses cleaning the hall and stairways while my girl friend remained in the room. When I came back to the room that night she told me that there were two people with lots of luggage which contains food, cause we were pretty hungry.

Sunday morning when everybody went to church she told me we are going to take those bags with food and run away. I didn't carry any until we were outside the city. We came to a hill where we opened the bags but to our disappointment one only contained books and the other material for a dress and a pair of shoes. We destroyed the books and she told me she is taking me with her to the Russian Zone. A short while after I realized I did wrong I left the bags with her, went back to town where I turned myself in to the police, and I was arrested for theft for 6 weeks.

After I was released I went to Landsberg where I lived with my sister-in-law. I got a job at the airbase as a kitchen help. One day a law came out that nobody whom ever had any violence against the law could no longer work for the American forces so therefore I was released.

After I lost my job I went to live with a girl friend of mine as I didn't want to tell anyone the reason for my dismissal. In order to get a ration card you had to be working and the employer had to stamp the certificate of employment as a proof. My girl friend was not working so I found out how to get the ration card without a job. I got introduced to a German fellow and he offered me to get my certificate of employment stamped for a price. I accepted and I got my ration card for 2 months without being employed, till one day the police asked me where I was employed. As I never gave it a thought before I had no answer to it and I had to tell the truth so I was arrested 21 days for forgery.

After my release I had taken a job and have been working ever since, without any troubles.

Early in 1951 I changed my residence and with explanation I was finally accepted to work for the American forces, where I started out as a typist at the Erding Air Depot where I worked myself up to supervisor. I was employed until May 1954 until I immigrated to Canada.

I will enclose my recommendations from my past job at the Erding Air Depot.

I hereby swear that the above statement is as true as I can remember it.

Mrs. TILLIE LACHELT.

Mrs. Maria Michela Federico.—S. 133, by Senator Dirksen

The beneficiary of the bill is a 69-year-old native and citizen of Italy. She resided in the United States from 1906 to 1911 and presently resides in Valva, Salerno, Italy. Her husband, from whom she has been separated for about 40 years, is a naturalized citizen of the United States. The beneficiary's daughter and son-in-law are United States citizens and are willing and able to support her. The beneficiary was denied an immigration visa in 1953 because of two convictions for stealing firewood, once on June 26, 1924, and again on January 31, 1946. Without the waiver provided for in the bill, she will be unable to enter the United States to live with her only child.

A letter, with attached memorandum, dated June 9, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 133) for the relief of Mrs. Maria Michela Federico, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of or who admit having committed a crime involving moral turpitude. The bill also provides that this exemption shall apply only to a ground of exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE MRS. MARIA MICHELA
FEDERICO, BENEFICIARY OF S. 133

The beneficiary, Mrs. Maria Michela Federico, a native and citizen of Italy, was born September 12, 1886. She was married to Jioacchino Federico June 16, 1907. He became a naturalized citizen of the United States on February 21, 1924. The beneficiary has one surviving child, Margaret Ippolito, a citizen of the United States, residing at 3850 West Ferdinand Street, Chicago, Ill. The beneficiary is presently residing at Valva, Salerno, Italy.

The beneficiary is not employed and is supported by funds sent to her by her daughter and son-in-law amounting to about \$10 to \$15 per month. She has no assets. Her only other close relative is a sister residing in Pittsburgh, Pa.

The beneficiary resided in the United States from 1906 to 1911. Her application for an immigrant visa was denied by the American consul in Naples, Italy, on January 28, 1953, because of her convictions June 26, 1924, and January 31, 1946 of the crime of theft. The beneficiary's daughter stated that both crimes consisted of the theft of firewood, and the beneficiary was imprisoned for 5 days for the first offense and 25 days and fined 500 lire for the second offense. The committee may desire to request the Visa Office of the State Department to furnish additional information concerning beneficiary's arrests.

The beneficiary's husband, from whom she has been separated for about 40 years, apparently has no interest in her

efforts to enter the United States. The sponsor who is the beneficiary's daughter, is not employed. However, her husband, the beneficiary's son-in-law has been regularly employed as a production ordering clerk since 1943 by the Teletype Corp., Chicago, Ill., and is financially able and willing to support the beneficiary.

Senator Everett M. Dirksen, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C.
[Translation (Italian)]

[Senator Dirksen.]

MAGISTRATE'S COURT OF LAVIANO (SALERNO)

The undersigned clerk certifies that the files of this court show no entry of criminal proceedings pending or sentences pronounced against Maria Michela Fratangelo, daughter of Francesco and Filomena Spiotta, born at Valva on September 13, 1886, and residing here.

Issued at the request of the interested party for purposes of emigration.

Laviano, August 16, 1955.

(Signed) G. TAGLIAMONTE,
The Clerk.

[Rubber-stamped: Translated by Elizabeth Hanunian, September 7, 1955.]

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C.
[Translation (Italian)]

[Senator Dirksen.]

COMMUNITY OF: MUNICIPALITY OF VALVA, PROVINCE OF SALERNO

The mayor certifies that the conduct of Maria Michela Fratangelo, daughter of Francesco and Filomena Spiotta, born on September 13, 1886, at Valva, residing here, is good.

Mayor's office, August 3, 1955.

(Signed) M. GENTILELLA,
The Mayor.

[Rubber-stamped: Translated by Elizabeth Hanunian, September 7, 1955.]

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C.

[Translation (Italian)]

[Senator Dirksen.]

PARISH OF S. GIACOMO APOSTOLO, DIOCESES OF CAMPAGNA,
PROVINCE OF SALERNO

CERTIFICATE OF GOOD CONDUCT

The undersigned parish priest of Valva (Salerno) states that the conduct of Mrs. Maria Michela Fratangelo, a resident of this parish, has been good from a moral, religious, and political point of view. She is a quiet individual and therefore her behavior has in no way been subject to criticism.

Valva, August 15, 1955.

(Signed) LORENZO SPIOTTA,
The Parish Priest.

[Rubber-stamped: Translated by Elizabeth Hanunian, September 7, 1955.]

Dorin Ursulesku Baron—S. 1493, by Senator McNamara (H. R. 9441, by Mr. Lesinski)

The beneficiary of the bill is a 53-year-old native of Yugoslavia and naturalized citizen of Canada. His wife is a lawful resident of the United States and they reside in Dearborn, Mich., where the beneficiary is employed by the Ford Motor Co. He last entered the United States on May 10, 1954, at Detroit, Mich., after a short visit to Canada. He had previously been admitted for permanent residence as a first preference quota immigrant on July 14, 1953. He has been found deportable as one convicted of a crime involving moral turpitude prior to entry and as a person previously deported. He was convicted in Canada on May 17, 1946, for two offenses involving the receipt of unemployment insurance to which he was not entitled. The beneficiary claims to have first entered the United States in 1906 and returned to Yugoslavia in 1913. In 1928 he attempted to enter the United States from Canada without inspection and was deported to Yugoslavia. He returned to Canada and was naturalized there in 1936.

A letter, with attached memorandum, dated June 28, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 28, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1493) for the relief of Dorin Ursulesku Baron, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared

from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

Mr. Baron is chargeable to the quota for Yugoslavia.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE DORIN URSULESKU
BARON, BENEFICIARY OF S. 1493

Dorin Ursulesku Baron, a native of Yugoslavia and a naturalized citizen of Canada, was born October 3, 1901. Since 1919, he has been married to Soruika Mayda, a native of Yugoslavia and a citizen of Canada, who is now a legal resident of the United States. The couple have two children, both of whom are citizens of Canada and have reached maturity. Their son resides in Windsor, Canada, and their daughter is residing in Dearborn, Mich.

The beneficiary resides with his wife at 5152 Chase Road, Dearborn, Mich., and is employed as a toolmaker by the Chrysler Motor Co. in Detroit, Mich. He has a \$6,000 equity in a house which is valued at \$18,000 and has cash assets of \$2,000. Mr. Baron has a high-school education, and is an experienced toolmaker.

The beneficiary last entered the United States at Detroit, Mich., on May 10, 1954, when he was returning to his home after a short visit to Canada. He had previously been admitted to the United States at Detroit, Mich., on July 14, 1953, for permanent residence. A warrant for the arrest of Mr. Baron was issued on August 13, 1954, charging that at the time of his last entry, he was excludable from the United States as a person who had been convicted of a crime involving moral turpitude, and as a person who had previously been deported from the United States. On December 8, 1954, he was accorded a hearing and found to be subject to deportation on the charges stated in the warrant of arrest. Voluntary departure was authorized, and on February 23, 1955, the Board of Immigration Appeals dismissed his appeal.

Mr. Baron claims to have first entered the United States with his parents in 1906, and then to have returned to Yugoslavia in 1913. In 1928, he was apprehended by officers of this Service at Detroit, Mich., as he attempted to enter without inspection. He was deported to Yugoslavia on August 31, 1928. In 1930, he went to Canada and resided there until his entry to the United States in 1953. He became a naturalized citizen of Canada on April 15, 1936. The beneficiary was convicted on May 17, 1946, in Windsor, Ontario, Canada, for two offenses in violation of the Canadian

Unemployment Insurance Act. On two occasions, Mr. Baron had drawn unemployment insurance while he was actually employed, and as a result of his conviction, he was sentenced to serve 10 days' imprisonment.

In his preliminary application for a visa filed at the American consulate at Windsor, Canada, in 1951, the beneficiary indicated that he had been arrested for accepting unemployment insurance while doing temporary work. It does not appear from the record that the beneficiary made any deliberate misrepresentations to the American consul when he obtained his immigrant visa in 1953.

Mr. Baron served in the Yugoslavian Army from 1923 to 1924. He has never served in the Armed Forces of the United States and has not registered under the Universal Military Training and Service Act.

Senator Pat McNamara, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

LAW OFFICES OF ROSIN & KOBEL,
DETROIT, February 28, 1955.

Mr. DAVID CONNERY,

*Administrative Assistant to Senator McNamara,
Senate Office Building, Washington, D. C.*

DEAR DAVE: When I was in Washington January 17, I may have mentioned to you that if I received an adverse decision in a case which I was going to argue before the Board of Immigration Appeals, I might have to call upon your office for special interest in the case of my client.

The decision has been adverse, although I believe the Board was somewhat reluctant in finding it necessary to come to such decision.

Be that as it may, however, I feel that the case is so strong from a humanitarian point of view that it is a situation in which the Senator and you may be interested and anxious to introduce and pursue a private bill for the relief of a client.

I do not want to review the entire case in this letter as it is somewhat involved. A copy of my brief to the Board and a copy of its decision are enclosed. In order to fill in, however, an outline would seem to be in order.

Dorin Ursulesku Baron, a native of Yugoslavia, lived in this country as a child with his parents. While still a child, he returned to Yugoslavia with his family. Later, he came to Canada and on an attempt to enter the United States in 1928, was apprehended while crossing the Detroit River in a rowboat and was sent back to Yugoslavia.

He again returned to Canada, became a citizen of Canada, had two children born there, and established an enviable reputation for honesty, decency, and respectability. His son wanted to enlist in the Canadian Forces while under age, and Mr. Baron gave his consent. The boy served honorably. His daughter married and lawfully resides in the United States.

Mr. Baron had tried for years to obtain an immigration visa and had advised the American consular officials of his 1928 deportation. In 1946 he discovered that for a period of time he had been receiving

unemployment insurance benefits in Canada which were technically not payable to him and, upon disclosure by him to the officials and offer of payment by him, he was prosecuted under section 67 of the Canadian Unemployment Insurance Act, pleaded guilty, and was sentenced to 10 days.

Since more than 1 week was involved, he had separate charges for the weeks. This was fully disclosed to the consular officials before he obtained his visa.

In 1953, the Ford Motor Co. petitioned for first preference under the quota, the petition was granted, and Mr. Baron obtained a visa with his wife. He then sold his home in Canada, purchased one in this area, and has continued to maintain his family in respect and decency.

The Board of Immigration Appeals passed over the comparatively incidental question of whether he could now be given permission to reapply after deportation, feeling that the major question was whether the convictions precluded entry in any event. Notwithstanding my arguments that it may not involve moral turpitude, that there was only "one offense," and that to some degree the fault was that of the Government rather than that of the applicant, the Board felt that it was constrained to deny our appeal.

This leaves Mr. Baron with the necessity of leaving the United States, notwithstanding the continued right of his wife to reside here, his continued valuable employment and contribution to the economy of the United States, the full disclosure of his situation prior to his being granted permission to live in the United States, and the evidenced patriotism and loyalty to our way of life.

Such hardship, I feel, should not be imposed and I think you will agree with me.

Consequently, I urge that you discuss this problem with the Senator with a view to introduction of a private bill to adjust Mr. Baron's status and request immediately of the Department of Justice that the time in which voluntary departure may be exercised be held in abeyance pending congressional consideration of the proposed legislation.

Since a time will be set shortly in the administrative process as a deadline for departure, it is important that we know whether you are in a position to be of help.

Mr. Baron's immigration file number is A-8511449.

Please let me hear from you at your earliest opportunity.

Sincerely,

DAVID I. ROSIN.

PAROCHIA ORTODOXA ROMANA,
POGORIREA DUHULUI IFANT,
"THE ADVENT OF THE HOLY GHOST" CHURCH,
Detroit 14, Mich., April 2, 1955.

Senator PATRICK McNAMARA,
*Senate Building,
Washington, D. C.*

Mr. Dorin Ursulescu Baron, residing at 5152 Chase Road in Dearborn, Mich., is a member in good standing of our parish, from the time he has come into United States.

I have known Mr. Ursulescu Baron, personally, since 7 to 8 years, and know him to be man of good character, a good Christian, also very conscientious. He along with his fine family are very well liked by all who know them.

His uncle, Ilie Ursulescu Baron, who died about 7 years ago, served our church as cantor for more than 35 years.

All the members of our congregation know Mr. Baron, and, I am sure, they will have only nice words to say about him. He is also a very regular church attendant.

I am glad to refer him to your honor, as well as to the Immigration authorities, and I know that in case he will be granted to become a citizen of the United States, he will be a good one.

Respectfully yours,

VASILE CRAINA,
President of the Board of Directors.
FATHER ALEXANDRU CUCU.

APRIL 2, 1955.

Senator P. V. McNAMARA,
United States Senate,
Washington, D. C.

DEAR SIR: I have known Mr. Dorin U. Baron for the past 20 years and in my opinion, he is a man of good character, honest, trustworthy and reliable. I believe that Mr. Baron would make a very good citizen.

I have been a citizen myself for the past 17 years and am, at present, in the grocery and meat business.

Hoping you can be of help to this man as I believe he is worthy of citizenship.

Yours very truly,

THEODORE MARION.

Senator PATRICK V. McNAMARA,
United States Senate, Washington, D. C.

DEAR SIR: It is my pleasure to write you about the matter concerning Mr. Dorin U. Baron. We feel we are doing something great, to help this fine gentleman. We should feel proud to have him here. He has a fine character. He is honest and hard working and keeps his home up well. We have been neighbors for the past 2 years. We find he will do for others what is asked of him.

I am a veteran of World War II and I work at Timken Axles Co., of Detroit. I have been an employee there for 14 years. So it has been my honor to write you about Mr. Dorin U. Baron, and tell you what an outstanding citizen he has been for our country. We his neighbors like him very much. Thank you.

Sincerely yours,

Mr. LEO KABAT.

Mr. Lesinski, the author of a companion bill (H. R. 9441) appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of this measure. In addition, Mr. Lesinski submitted the following letter in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 21, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: I refer to the adverse action of the Committee on the Judiciary on January 31, 1956, regarding S. 1493, a private immigration bill for the relief of Dorin Ursulesku Baron.

Since no report of the facts upon which the committee based its decision is available, I submit the following information and respectfully request that the committee reopen and reconsider this case.

Several facts favorable to Mr. Baron were cited in my letter of January 17, 1956, to you. I stated that Mr. Baron enjoys a reputation for honesty, decency, and respectability; that he made full disclosure to consular officials of the information which later was found to be a technical barrier to his admission for permanent residence; that his conviction which subsequently barred him was the result of his own admission of wrongdoing to the authorities. Enclosed herewith is a certification from the Canadian authorities to the effect that Mr. Baron has made full restitution.

In addition, I should like to point out that Mr. Baron's daughter is becoming a citizen of the United States. If he and Mrs. Baron are required to leave this country, not only would their relationship with their daughter be less close physically, but the probability of the son, an honorably discharged wounded veteran of the Canadian Air Force, residing in the United States and unifying the family group would be lessened.

Also, I should like to refer to the decision of the Board of Immigration Appeals on Mr. Baron's case (copy enclosed). The Board in its decision apparently did not consider the fact that the jail sentence was mandatory under the Canadian law of 1946 for the crime charged, although it is understood that such is no longer the case. In its decision, the Board of Immigration Appeals stated:

"Since the criminal ground for deportability cannot be removed, no purpose would be served by granting the respondent permission to reapply nunc pro tunc * * *

* * * * *
"We are aware that there are appealing factors present in this case. To require this respondent to return to Canada *will unquestionably result in a hardship to him* and his spouse. However, in view of the grounds for deportation, we have no alternative but to dismiss the appeal." [Italic supplied.]

Other factors which I believe lend emphasis to the very deserving nature of this case are as follows:

1. Mr. Baron's value to the local community as a toolmaker. In substantiation of this, I forward herewith a letter from the Chrysler Corp. where Mr. Baron is now employed. Also, his immigration was originally sponsored by the Ford Motor Co. because of the economic necessity for the importation of persons with his skills.

2. The extreme difficulty which a man of his age will have in reestablishing a home and obtaining employment in Windsor, Canada, where he has no seniority, and where because of the pension programs and general economic conditions in the automotive industry, the likelihood of permanent reemployment is small.

3. The poor physical condition of Mrs. Baron which is aggravated by the uncertainty of her future.

4. The sale of income-producing property in Canada when he emigrated and the purchase of a home in the United States which now if he were required to depart would leave him with no physical security for his later years.

5. The purpose of Public Law 770 of the 83d Congress which was to relieve a prospective immigrant from excludability because of one petty offense, and the continuing nature of the offenses in Mr. Baron's case which may be considered within the spirit of the law, although it has been decided by the Board of Immigration Appeals to be technically outside the scope of the law.

6. The fact that his deportation will involve physical, mental, and economic hardship upon him; but his remaining in the United States would be without detriment and would in fact be beneficial, not only to him but also to our society and economy.

In view of the foregoing which, together with the information already submitted to the committee, illustrate the justice and humanitarian aspects of this case, I urgently recommend that the committee reconsider favorably this case. If, in its deliberations, the committee wishes substantiating evidence of the facts cited above, I should appreciate being so notified so that I may appropriately submit it.

Thanking you for your consideration, I am

Sincerely yours,

JOHN LESINSKI, M. C.

The documents referred to in Mr. Lesinski's letter are in the custody of the Committee on the Judiciary.

Upon consideration of all the facts in each case included in this bill, the committee is of the opinion that S. 83, as amended, should be enacted and accordingly recommends that the bill do pass.



